

REMARKS

1
2 Reconsideration and allowance of pending Claims 1-10 and 12-44 are
3 respectfully requested in view of the following remarks.

4
5 **1. The Applicant's Response to the Examiner's "Response to Arguments"**

6 Beginning on page 2 of the outstanding Office Action, the Examiner has
7 respectfully disagreed with the Applicant's arguments submitted on July 14, 2003,
8 that Yoshida does not teach or suggest "multiple channel-to-frequency mapping
9 tables correlating channel numbers to corresponding frequencies for associated
10 countries in the country table," as recited, in-part, in Claim 1. The Applicant, in
11 turn, respectfully disagrees with the Examiner.

12 In particular, Yoshida describes an 8-bit custom data code, entered by a
13 remote control device, having an upper four bits to power on a television and a
14 lower four bits to identify the destination for the television, referred to as a
15 destination code (col. 3, lines 3 and 4). In accordance with the country
16 corresponding to the entered destination code, a microcomputer in the television
17 selects a program for the destination program that performs "necessary
18 preparations such as channel setting according to the program data such as NTSC
19 system VHF," (col. 3, lines 8-10) or "any necessary preparations such as band and
20 channel setting or circuit selection according to the programs used in Europe, such
21 as SECAM/PAL, VHF-L/VHF systems," (col. 3, lines 15-18). However, Yoshida
22 does not describe how such programs perform the corresponding channel setting
23 or circuit selection functions for the destination country. Specifically, the
24 reference includes no explicit or implicit teaching for "multiple channel-to-
25 frequency mapping tables correlating channel numbers to corresponding

1 frequencies for associated countries in the country table..." as in Claim 1. In fact,
2 the reference includes scant mention of the programs and the corresponding
3 functions, with no explicit or implicit teaching of implementation thereof.

4 It is further noted that, in support of the Examiner's disagreement with the
5 Applicant's arguments, the "response to arguments" utilizes newly cited
6 <http://www.geo-orbit.org/sizepgs/ntscp.html> in support of the responsive
7 arguments. However, it is not clear to the Applicant if this newly cited reference
8 is being incorporated into the present rejection since none of the claims have been
9 expressly rejected over <http://www.geo-orbit.org/sizepgs/ntscp.html>, either
10 singularly or in combination with Yoshida.

11 The Applicant respectfully submits that if this newly cited reference is not
12 intended to be incorporated into the rejection, then the Applicant traverses the
13 rejection of **Claims 1-10, 13-39, 43, and 44 have again been rejected under 35**
14 **U.S.C. §103(a)** for the reasons submitted in the Amendment of July 15, 2003, as
15 well as those submitted above.

16 On the other hand, if the newly cited reference is intended to be
17 incorporated into the rejection, then the Applicant respectfully submits that the
18 finality of the aforementioned rejection under 35 U.S.C. §103(a) must be
19 withdrawn. Specifically, MPEP §706(a) states, in part:

20
21 Under present practice, second or any subsequent
22 actions on the merits shall be final, except where the
examiner introduces a new ground of rejection that is
neither necessitated by applicant's amendment of the
23 claims...

24 Thus, since none of Claims 1-10, 13-39, 43, or 44 were amended in response to
25 the previous rejection, the present final rejection is premature, and therefore

1 should be withdrawn. Accordingly, if the finality of the rejection is determined to
2 be premature, the Applicant respectfully defers responding to the rejection over
3 the newly cited reference until appropriate notice has been given.

4 Similarly, the Examiner disagreed with the Applicant's arguments
5 submitted on July 14, 2003, with regard to Claim 3. Specifically, the Examiner
6 disagrees with the Applicant's assertion that "Nalbandian does not show a country
7 table listing a plurality of countries, but rather describes a table organized into
8 three ITU regions for the purpose of assigning and allotting radio bands and
9 services..." In support of the Examiner's disagreement, the "response to
10 arguments" makes reference to newly cited <http://www.itu.int>, and ITU-R
11 Recommendation E.164 (1997) at [http://www.itu.int/ITU-](http://www.itu.int/ITU-T/publications/index.html)
12 [T/publications/index.html](http://www.itu.int/ITU-T/publications/index.html).

13 Again, it is not clear to the Applicant if these newly cited references are
14 being incorporated into the present rejection since Claim 3 has not been explicitly
15 rejected over <http://www.itu.int> and ITU-R Recommendation E.164 (1997) at
16 <http://www.itu.int/ITU-T/publications/index.html>, either singularly or in
17 combination with Yoshida and Nalbandian.

18 The Applicant respectfully submits that if these newly cited references are
19 not intended to be incorporated into the rejection, then the Applicant traverses the
20 rejection of Claim 3 under 35 U.S.C. §103(a) for the reasons submitted in the
21 Amendment of July 15, 2003, as well as those submitted above regarding Yoshida.

22 On the other hand, if the newly cited reference is intended to be
23 incorporated into the rejection, then the Applicant respectfully submits that the
24 finality of the aforementioned rejection under 35 U.S.C. §103(a) must be
25 withdrawn since Claim 3 was not amended in response to the previous rejection.

1
2 **2. The rejections under 35 U.S.C. §103**

3 Claims 1-10, 13-39, 43, and 44 have again been rejected under 35 U.S.C.
4 §103(a) as being unpatentable over Yoshida (U.S. Patent 5,363,142) in view of
5 Albert Nalbandian (ITU-R Studies on Spectrum Management/Albert
6 Nalbandian/ITU-BR SGD02/05/98; hereafter "Nalbandian"). For the reasons
7 presented above, as well as those submitted in the Amendment of July 14, 2003,
8 the Applicant respectfully maintains the traversal of this rejection, and further
9 maintains the request that this rejection be reconsidered and withdrawn.

10 Claims 12 and 40-42 were rejected under 35 U.S.C. §103(a) as being
11 unpatentable over Yoshida in view of Honda Accord 1996 Owner's Manual, page
12 89 (hereafter "The Owner's Manual"). The Applicant also respectfully traverses
13 this rejection, and further requests that this rejection be reconsidered and
14 withdrawn.

15
16 Yoshida does not describe a tuner for scanning multiple channels within a
17 particular destination for corresponding frequencies and for storing tuning
18 frequencies for the destination. That is, Yoshida initializes the television
19 microcomputer to comply with an appropriate regionalized television standard
20 (e.g., SECAM/PAL, VHF-L/VHF) corresponding to the destination code input by
21 a remote control. On the other hand, The Owner's Manual describes the retrieval
22 of tuning frequencies stored in a radio's memory. There is no teaching by either
23 reference to suggest that the destination code input according to Yoshida could
24 retrieve band or channel settings. Rather, Yoshida initiates a program to initialize
25 the television microcomputer according to the destination of the television. That

1 is, from one destination to another, Yoshida reconfigures the band and channel
2 settings of the television, and the reference makes no mention of band or channel
3 retrieval capabilities. Thus, Yoshida and The Owner's Manual are not to be
4 combined by one of ordinary skill.

5 Therefore, for at least the reasons discussed above, it is respectfully
6 submitted that the proposed combination of Yoshida and The Owner's Manual fail
7 to render Claims 12 and 40-42 obvious, and therefore the corresponding rejection
8 under 35 U.S.C. §103(a) should be withdrawn.
9

10 **Conclusion**

11 All rejections having been addressed, it is respectfully submitted that all of
12 pending claims 1-10 and 12-44 are in condition for allowance. Early and
13 forthright issuance of a Notice to that effect is earnestly solicited. If any issues
14 remain that prevent issuance of this application, the Examiner is urged to contact
15 the undersigned attorney before issuing a subsequent Action.
16

17 Respectfully submitted,
18

19 LEE & HAYES, PLLC
20

21 Dated: December 8, 2003 By: David S. Lee
22

23 David S. Lee
24 Reg. No. 38,222
25

*** TX STATUS REPORT ***

AS OF DEC 19 2003 08:36 PAGE 01

15	DATE 12/19	TIME 08:35	TO/FROM USPTO	MODE EC-S	MIN/SEC 00'30"	PGS 002	JOB# 237	STATUS OK
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LEE & HAYES, PLLC

FACSIMILE TRANSMITTAL SHEET

TO: EXAMINER TRAN	FROM	David Lee
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COMPANY: USPTO	DATE: December 19, 2003
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FAX NUMBER: 703-872-9314	TOTAL NO. OF PAGES INCLUDING COVER: 2
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PHONE NUMBER:	SENDER'S REFERENCE NUMBER: M31-240US
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RE:	YOUR REFERENCE NUMBER: 09/057,786
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NOTES/COMMENTS:

Attached please find page 2 of the Response faxed to the USPTO on December 8th and 9th. If you need any additional information or have any questions, please do not hesitate to contact us.

Thank you for your time and assistance.

David Lee

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AS OF DEC 09 2003 14:21 PAGE.01

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NOTES/COMMENTS:

Dear Examiner Tran,

Attached is a courtesy copy of a Response previously faxed to the USPTO Centralized Facsimile number on December 8, 2003.

If you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

David Lee

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Application Number: 09/657,786
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